

**REMARKS****Response to Claim Rejections Under 35 U.S.C. §112**

Claims 35-43 and 48 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner noted the inconsistencies between the "main lumen" and the "inner lumen". In response, applicants have amended claim 35 to call for first and second inner lumens so as to obviate this rejection.

**Response to Claim Rejections Under 35 USC §102**

Claims 44-46 and 49 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 5,810,806 to Ritchart et al. In response, applicants have amended claim 44 to clarify the claimed features, specifically the first inner lumen within the tubular member and the second inner lumen which is within the wall of the tubular member. Moreover, the motion of the cutting loop has been further amended to clarify that the loop rotates out of the cut out traversing the longitudinal axis of the tubular member and rotates back into the tubular member through the cut out again traversing the longitudinal axis of the tubular member. The '806 patent fails to teach these features, so the reference will not anticipate claim 44 and those claims which depend from claim 44.

**Response to Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that claims 35-43 and 48 are directed to patentable subject matter, and that claim 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims. In view of the amendments to claim 44, applicants believe that converting claim 47 to an independent claim is unnecessary.

### Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance are earnestly solicited.

Respectfully submitted,

By:   
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

EDWARD J. LYNCH  
Patent Attorney  
One Embarcadero Center  
Suite 562  
San Francisco, CA 94111  
Telephone: (415) 646-8028  
Facsimile: (415) 646-8035